

victim IMPACT

A Newsletter to Advance Rights & Services for Crime Victims in Massachusetts

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Capping the Federal Crime Victims Fund

N

ew England victim advocates gathered recently for a Public Policy Roundtable sponsored by the National Center for Victims of Crime. Discussions throughout the day returned time and again to concerns about legislation impacting the

federal Crime Victims Fund, which provides critical support to local programs serving crime victims. The controversial legislation places a cap, or spending limit, on money that is distributed to programs.

Victim advocates are wary of the cap for good reason. Currently more than 100 Massachusetts state and community-based programs rely on a total of over \$7 million in financial support from the Crime Victims Fund.

Origins of the Fund

In 1984, the Victims of Crime Act (VOCA) established the federal Crime Victims Fund to provide a sustaining funding source for crime victim services in each state. The Fund, sometimes called the VOCA Fund, is unique in that it is supported entirely by criminal fines imposed on offenders convicted in federal court. The Fund is not supported by tax dollars.

The Massachusetts Office for Victim Assistance (MOVA) administers the VOCA victim assistance program for the Commonwealth. The VOCA program

provides funding for organizations to offer a range of specialized services for crime victims, including survivors of homicide victims, children who witness violence, and victims of child abuse, domestic violence, sexual assault, drunk driving, hate crimes and elder abuse.

The VOCA Spending Cap

In 1999, the federal Crime Victims Fund collected a record fine that brought the total collections from offenders to an unprecedented level of more than one billion dollars. The U.S. Congress responded by placing a cap of \$500 million on the Fund for fiscal year 2001 and holding the remaining \$600 million in reserve. According to estimates from the U.S. Office for Victims of Crime, Massachusetts lost approximately \$11.5 million federal dollars for crime victim services because of this cap.

Supporters of the measure initially justified the cap with claims that states need a planning period in order to administer additional funds responsibly. Ensuring effective spending is critical; however, the VOCA statute already allows states four years to spend funds.

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Victim and Witness Assistance Board

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Karen Dempsey

Victim IMPACT

is a quarterly newsletter to advance rights and services for crime victims and to promote greater awareness about the impact of victimization on the individual and the community. It is published by the Massachusetts Office for Victim Assistance (MOVA) and the Victim and Witness Assistance Board, and is distributed free of charge to the victim rights community. We welcome submissions and article ideas from crime victims and survivors, service providers, criminal justice professionals, and the general public. The "Victim Voices" feature is intended to be a forum for victims and survivors to describe their personal experiences of victimization or the emotional impact of being a crime victim. In some articles, names and identifying information may be changed to ensure the confidentiality of victims. MOVA reserves the right to edit all submissions. No financial compensation is provided for the publication of articles or stories. We encourage the reproduction of any articles contained in this newsletter, provided that proper attribution is given to both MOVA and the author.

Contributors, Winter 2001

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A Letter from the Director

Last fall, several members of the MOVA staff traveled to Washington, D.C. because of our concerns over legislation that caps spending for the federal Crime Victims Fund. Our goal: to meet directly with the Massachusetts Congressional delegation and educate them about our work and the state of funding for crime victim services in the Commonwealth.

Changes to the Crime Victims Fund are already impacting our work. As you'll read in this issue's *Focus* article, the cap on the Fund led to a *decrease* in Massachusetts VOCA program funding for fiscal year 2002. The funding decrease precludes even a modest cost of living adjustment for VOCA-funded positions in Massachusetts.

While we succeeded in opening a dialogue with the Massachusetts delegation, the hard work remains ahead. The precarious future of the federal Crime Victims Fund continues to threaten twenty years of progress in the field. Ensuring that those deciding the future of the Fund hear from those working to serve victims is imperative.

We urge you to maintain close contact with your representatives in Congress and to keep them well aware of the services you provide to victims in the Commonwealth every day. We will keep you informed of proposed changes to the Fund and the response from Washington and around the country and may look to you for stories and anecdotes that convey the successes and challenges of your work.

Our annual opportunity to re-connect and learn from one another is approaching. Crime victims and those working to serve them come together for the Massachusetts Victim Rights Conference on April 17th, 2001. This year's conference features keynote speaker Gavin de Becker, author of *The Gift of Fear* and *Protecting the Gift*. Conference workshops will focus on cybercrime, the impact of hate crimes, trafficking in women and children, victims deciding to tell their stories, dealing with unsolved crimes, and high profile cases and their impact on victims. Watch your mailbox for further details and registration information.

We look forward to seeing you on April 17th!

Best wishes,



Shelagh Moskow

Sex Offender Registry Board

Chair Sees Promise in Changes

By Karen Dempsey

Dempsey

We have received calls from victims and advocates who are unclear about the Sex Offender Registry law. What are some of the major differences between the old and new laws?

Ann Dawley

The intent of the new Sex Offender Registry law is to address issues that the Supreme Judicial Court determined were shortcomings in the old law. Under the old law, a sex offender was required to register with the local police department by providing the police with a significant amount of personal data. The offender had to have fingerprints and photographs taken. The data was then immediately available to the public.

The new law requires a sex offender to register by mailing in a postcard-like form with his or her name, date of birth, home address and work address. The offender must sign the card and mail it to the Board, but we can't make this information available to the public immediately. The Board must now offer an offender an evidentiary hearing to decide whether he or she must register with the police and to determine the classification level for community notification. If we determine an offender must register and classify him or her as a Level 2 or a Level 3, meaning a moderate or high risk, we then make that information available to the public. If we determine that an offender should be classified as a Level 1, or a low risk, then we make the information available to law enforcement only, and not the public.

Dempsey

How do you think these changes enhance public safety for victims and the general public?

Ann Dawley

Most importantly, the new law establishes the Sex Offender Registry Board as a separate agency within the Executive Office of Public Safety and provides funding to allow the Board to complete its mandate under the law. Once classification begins, the processing of cases and dissemination of information to the public will be accelerated because the Board will be able to undertake its responsibilities with more efficiency and effectiveness. Also, the new law significantly increased the penalties for failure to register as a sex offender. Under the old law, failure to register was a misdemeanor; now failure to register is a felony punishable by up to five years incarceration. The new law also includes a mechanism that allows the Board to recommend that the court deem certain sex offenders "sexually violent predators" and require them to re-register with the local police department every 90 days. Finally, the new law allows the Board to disseminate information concerning Level 3 sex offenders. In addition to the police, the Board may now conduct community notification on dangerous sex offenders. We can do this in a number of ways, including by community meeting or training.

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Anti-Violence Group Plans Memorial for Murder Victims

By Beatrice Nessen

An alliance of anti-violence groups and victim services professionals, operating under the auspices of Stop Handgun Violence, is sponsoring the creation of a Garden of Peace to commemorate victims of homicide. The Garden is included in legislation enacted as part of the renovation of the Leverett Saltonstall State Office Building located in Boston's Government Center. As chief sponsor of the legislation, Governor Paul Cellucci proposed that a portion of the building plaza be used for the Garden.

The goal of the Garden is to create a public space that will serve as a place for reflection and to promote a violence-free community. The alliance also hopes the Garden will be a haven where individuals and the larger community can grieve and commemorate those who have lost their lives to senseless violence. The Garden design includes stones bearing names of homicide victims, a sculpture, and a black granite demi-orb leading to a small pool.

The Garden provides a unique opportunity to demonstrate what public and private collaboration can accomplish. Attorney General Tom Reilly and the Victim Witness Assistance Board also support the effort and have vowed to assist in completing the project.

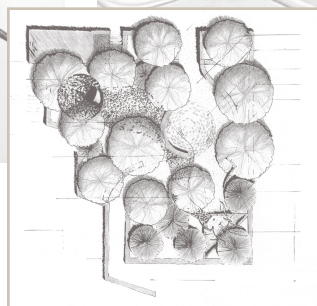
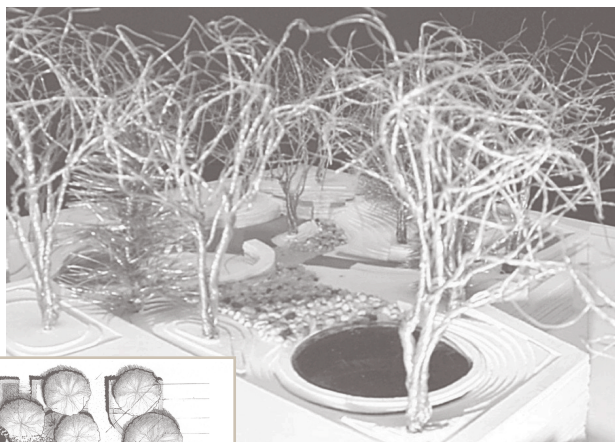
Not-for-profit support to date includes a total of \$65,000 in grants from The Fund for the Arts, which is a restricted fund of the New England Foundation for the Arts, and the Edward Ingersoll Browne Fund, a City of Boston Trust Fund. Both grants (\$30,000 and \$35,000 respectively) are for internationally renowned artist Judith Kensley McKie's sculpture, *Ibis Ascending*. Judith McKie became involved in the project after her son, Jesse, was murdered. "My hope is that the Garden will become a place



where grieving parents, friends, and relatives of murder victims, as well as concerned citizens, will gather to seek comfort, to rally against violence, to organize, and to actively address issues of crime and violence in the city," McKie said.

The Garden has received support from other organizations and individuals, including donations from the Beacon Hill Garden Club and administrative support from Stop Handgun Violence. The Massachusetts Development Finance Agency, designated developer for the Saltonstall Building renovation, has committed \$200,000 toward the Garden's construction. Project volunteers are working to raise additional financial support for construction costs, estimated at \$750,000, and for future maintenance costs for the Garden.

Landscape architect Catherine Melina donated the Garden design. Melina's design focuses around a dry riverbed lined with stones bearing the names of homicide victims. The riverbed runs diagonally across the site from a black granite demi-orb representing the unbearable sense of loss. It terminates



at a small pool and the sculpture, *Ibis Ascending*, which is intended to express hope and rebirth. River birch trees line the perimeter of the Garden and dwarf miniature evergreens, intended to symbolize lives cut short. The memorial's outer wall will bear the written words of survivors.

Creators of the Garden hope that it will become a space for public gatherings aimed at educating the public about violence prevention and victim services issues and serve as a place to unite local and individual memorials commemorating victims of violence. The Massachusetts Development Finance Agency expects to complete the project by 2003.

For more information, or to contribute to the effort to make this space a reality, please contact:

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Beatrice Nessen is coordinator of the Garden of Peace Project.

EMDR Offers Hope an Effective Treatment for Trauma

By Roslin Moore, Ph.D.

Eye Movement Desensitization and Reprocessing (EMDR) is a procedure that is increasingly used in psychotherapy to help victims reduce the impact of negative experiences from the past that intrude on present day life. Often these negative life experiences involve a trauma such as sexual assault, abuse, a car crash, or the murder of a loved one.

As many who work with crime victims know, even though the trauma may have happened many months or even years ago, the victim can still feel its impact in his or her daily life through posttraumatic stress disorder symptoms (PTSD). Some of these symptoms include intrusive memories, emotional flooding or numbing, nightmares, anxiety, low self-esteem, and difficulty getting on with life. EMDR has also been used to help victims and others deal with anxiety and panic problems, grief issues, reactions to physical illness, and many other conditions where strong emotions are associated with life experiences.

The problem with trauma

In daily life we all use our minds to figure things out, cope with predictable stresses, and regulate our emotions and our self-esteem. The experience of trauma overwhelms our capacity to cope, and the trauma experience often gets stored in our minds in ways that make it very difficult to use our usual ways of coping. For example, even though we know that a traumatic event happened in the past, it becomes impossible for us to think about it without feeling emotions and other sensations that occurred at the time of the original experience.

Traumatized victims also typically develop a negative way of thinking about themselves in relation to trauma, such as "It's my fault" or "I'm a bad person."

EMDR attempts to activate coping skills to deal with the present-day impact of the trauma. The EMDR procedure can help desensitize the images and feelings associated with the trauma.

The EMDR procedure

EMDR is a two-fold procedure. First, the therapist talks with the client in an effort to understand the history of difficulties and how they are affecting the client's current life. This initial process may take one or two sessions. Then, if EMDR is recommended, the client and the therapist will construct a description of the problem. The description includes an image or picture that represents the event, the client's negative beliefs in relationship to the event, how the client would prefer to think about himself or herself in relation to the event, and any emotions or physical sensations associated with the event. The client will be asked to give numerical ratings to the degree of painful emotions so progress can be monitored during the session.

After the protocol described above is established, the client will begin the processing phase of the procedure using the eye movements (or other kinds of stimulation). A typical EMDR processing session lasts from 50 to 90 minutes. The therapist asks the client to bring to mind the picture of the experience that is bothering the client along with the negative self-thought, emotions, and physical sensations.

The client is asked to hold on to this thought while following the therapist's hand, which directs the victim's eye movement. After a series of eye movements, the therapist asks the client to stop, let go of the image, take a deep breath, and describe briefly his or her thoughts, feelings, or images. The client goes through this process of moving

the eyes, pausing, and reflecting several times during the session. Typically, the images, emotions, and sensations experienced change as a client goes through the EMDR process. The client and therapist will often know if EMDR is going to be useful within one or two sessions.

Cautions

EMDR processing can be an upsetting and intense experience. Because of this, there are many safety precautions built into the EMDR procedure. An example of one of these precautions is that at the beginning of EMDR, the therapist and client create and focus on an image of a safe place. The client is asked to return to this image at the end of the session.

A client should only undertake EMDR treatment with a therapist who has credentials to do psychotherapy and who has specialized EMDR training. The client should feel free to ask about the therapist's EMDR training and his or her general experience in working with trauma and related difficulties that the client has.

Research

There is strong research support for the use of EMDR in the treatment of PTSD. In studies with individuals exposed to a single trauma, such as an accident or assault, research indicates that 84%-90% of the subjects no longer meet criteria for PTSD after 3 or 4 EMDR sessions. When there have been multiple traumas or when the trauma was particularly severe or complicated, treatment will often take longer. Research into the effectiveness of EMDR continues at many sites.

Roslin Moore, Ph.D. is the Director of Training at the Trauma Center and coordinates the sexual assault program at Arbor Health System Foundation in Brookline, Massachusetts.

*“Not everything
faced can be changed,
but nothing can be
changed until it is
faced.”*

James Baldwin

WHAT'S

Happening

Address Confidentiality Law Enacted

Massachusetts enacted legislation intended to help victims of domestic violence, stalking, rape, and similar crimes keep their home addresses private. The “Address Confidentiality” bill establishes a system of designated post office boxes within the Secretary of State’s Office where victims can receive mail. Specially trained personnel will forward the mail to participants’ home addresses. The system is modeled after a program in Washington state.

Massachusetts Scores Low in MADD’s “Rating the States” Report

Mothers Against Drunk Driving (MADD) released a report analyzing the response to drunk and drugged driving across the nation. Massachusetts rated a C- in the report, earning particularly low scores for state laws, the legislature, and fatality trends related to drunk driving. Recommendations include increased penalties for repeat offenders, high BAC drivers, and BAC test refusal; a legal limit of .02 BAC for drivers under 21; and mandatory BAC testing of surviving drivers in crashes.

Smith & Wesson Settles Lawsuit

The nation’s largest gunmaker settled a suit with the city of Boston, agreeing to improve gun safety features and take measures to help prevent illegal gun sales. The settlement spells out a “standard of conduct” that the gunmaker pledges to follow in working with Boston law enforcement officials when a Smith & Wesson gun is used in a crime or found on the street.

Ruling May Expand Use of Battered Women’s Syndrome Defense

The Supreme Judicial Court issued a decision that may expand the use of battered women’s syndrome. The court ruled that Deborah Conaghan should be examined by a specialist to determine whether she voluntarily pleaded guilty to killing her son. Five-year-old Garrett Swinson died from head trauma in 1991. Conaghan pleaded guilty, but has since argued that her abusive boyfriend coerced her confession and her actions related to the murder. Worcester Superior Court will decide whether to grant Conaghan a new trial.

Criminal Harassment Legislation Enacted

The Massachusetts legislature passed legislation intended to protect victims of stalking who are not overtly threatened by their stalkers. The law creates a new crime called “criminal harassment.” While the law took effect October 30, the bill passed without a provision that would have allowed victims of non-domestic violence-related stalking to apply for 209A restraining orders. For a copy of the legislation, call Stefanie Fleischer Seldin at MOVA, (617) 727-7885.

Court Lifts Ban on “Buffer Zones”

A federal Appeals Court lifted a judge’s injunction against enforcement of the state’s “buffer zone” law outside of abortion clinics. The law restricts protesters from crossing within 25 feet of clinic doors and prohibits anyone other than clinic escorts from invading a 6-foot space around a patient without her consent. The court’s ruling suggests the law will likely pass constitutional muster. The 1994 murders of Brookline clinic workers Lee Ann Nichols and Shannon Lowney heightened awareness of safety concerns at Massachusetts abortion clinics.

New York City Grants Rape and Domestic Violence Victims Right to Sue

A New York City Council committee unanimously passed a bill granting victims of rape, domestic violence, and other crimes motivated by gender a broad right to civilly sue their attackers, making the city the first jurisdiction in the country to extend such a right. The U.S. Supreme Court recently struck down a similar provision in the federal Violence Against Women Act, leaving the power to regulate such actions with states and local governments.

Clinton Signs Federal .08 Law for Drunk Driving

President Clinton signed a federal bill setting a new legal limit of .08 percent blood alcohol concentration (BAC) for drivers. States refusing to impose the standard by 2004 will lose millions of dollars in federal highway construction money. Massachusetts would have to pass new legislation to comply with the new standard. Current state law considers a level of .08 percent BAC evidence but not proof of drunkenness.

Clinton Recommends Measures to Improve Brady Bill Enforcement

President Clinton outlined a plan to improve enforcement of the Brady Bill, which requires background checks for gun buyers. The current system provides for notice to law enforcement agencies when felons, fugitives, and domestic abusers attempt to buy guns. Clinton directed the U.S. Attorney General and Secretary of Treasury to develop a notification system that would provide law enforcement agencies with information on more categories of individuals who fail the background checks.

New Rape Drug Reported in Tulsa, Oklahoma

Cigarettes soaked in embalming fluid, called “fry cigarettes,” have emerged as the newest date-rape drug in Tulsa, Oklahoma. In a period of three months, three young women reported sexual assaults by acquaintances after smoking the cigarettes, which can cause toxic psychosis, hallucinations, and delusions. The toxic cigarettes have surfaced in other states as well. A 1998 study by the Texas Commission on Alcohol and Drug Abuse found that the compound used in the cigarettes sometimes includes the drug phencyclidine (PCP).

Alabama Strengthens Domestic Violence Laws

Alabama enacted three new laws to protect domestic violence victims. The “Domestic Violence as a Crime” bill identifies domestic violence as a separate crime under the criminal code, stiffens the penalties for repeat offenders, and doubles the sentences of abusers who violate a protective order. The “Holding Period” bill denies an arrested abuser bail until a hearing is held before a judge or magistrate. The hearing must be held within 12 hours. The third bill, the “Domestic Abuse Insurance Protection Act,” prohibits insurance discrimination against victims of domestic violence.

Reversal of Sex-Offender Rulings Sought in Colorado

Colorado’s highest courts issued rulings that could allow up to 1,600 sex offenders to escape parole completely and, in some cases, be freed from prison early. The Court of Appeals and Supreme Court ruled that a law passed in 1996 made parole discretionary and not mandatory. Because of conflicting and confusing language in the law, the courts found that a sex offender’s parole term could not exceed the remainder of his or her prison sentence. Colorado’s attorney general asked the state Supreme Court to reverse the rulings.

One Family's Perspective on the Death Penalty

VICTIM

Anne Borghesani was murdered in Arlington, Virginia, in March 1990. Her assailant was convicted of capital murder and sentenced to death. In response to his clemency request, Anne's parents submitted the following comments to then-Governor George Allen. The execution was carried out in 1997.

Comments to Virginia Governor George Allen from Elizabeth Ann Borghesani, mother of Anne E. Borghesani.

As Anne's mother, there are several things of which I am certain. First, I am completely confident that the state has tried and convicted the right man, that C.M. Satcher is Anne's murderer. The scientific evidence (especially the DNA matching and the blood serology) are irrefutable and serve to confirm all other evidence. Mr. Satcher is guilty of capital murder, has received fair judicial process, and must be held responsible for his act.

I am also most certain that he must never be released from prison. By his actions he has earned the death penalty as defined by the laws of Virginia. The circumstances of his arrest in August, 1990, confirm that he has no remorse for his "outrageously wanton and vile" murder of our daughter and that, if ever given the opportunity, he will kill again. I agree with the jury's decision that the viciousness of Anne's murder and his continuing threat to society justify their recommending the death penalty. I also feel that the humane execution of a murderer by lethal injection cannot compare with the lonely terror and violence of our daughter's death. He will have the benefit of

medications, spiritual and emotional support, an opportunity to say goodbye, to hug his loved ones—all things that he denied to Anne. He showed Anne no mercy.

Like many people in our country, I remain confused as to the morality of the death penalty. On the one hand, I am appalled by the wanton violence so prevalent in our society. As a citizen of our imperfect world who has been permanently damaged by an evil act,

SI feel we must take a stand, to clearly say there is a limit to what society can tolerate, that there is a line that cannot be crossed. If one crosses that line and deliberately, viciously, and with premeditation, kills another person, then he must answer for it with his own life. He has forfeited the right to live among us.

At the same time, I feel some spiritual or emotional conflict as I struggle with the issue of capital punishment. Do we, as a society, have the right under any circumstances to deny life? I do not know the answer. I cannot know what experiences have formed Mr. Satcher's personality or what motivated his actions. I cannot be his final judge. As a mother and grandmother, as a pediatric nurse practitioner in an inner city clinic, I struggle daily to nurture, not to destroy, life. I do not like violence. I would wish we lived in a world where the death penalty was not necessary—for such a world would have no violent murder. Unfortunately, Mr. Satcher

continues to deny his guilt, refuses to admit his responsibility or to express any remorse, and leaves society only one choice to assure that he will never kill again: his justifiable execution. Some will argue that the death penalty is a tragedy. I say the tragedy for Mr. Satcher and his family occurred the night he chose his fate by murdering our daughter.

Although I still feel a most terrible anger toward him and can never forgive his evil act, I do not need his death as vengeance or payment for Anne's life. True revenge would be to willfully hurt his children and to have him experience a parent's pain, a pain that is, for me, greater than confronting my own death. And that pain is something I could never wish on anyone, Mr. Satcher included. The execution of Mr. Satcher will not remove the horror of Anne's death in a lonely stairwell, nor return her stolen life to us. It will not relieve me of the pain that eats at my soul, that has killed a part of my heart.

For seven years I have struggled to create some good out of the evil of that night. Nothing has seemed adequate. I think now of Anne and her ideas of freedom and guilt. Since his conviction, I have followed the appeals and waited for him to admit his guilt. Although he has been convicted and faces execution, Anne and we have not received justice because of his continued denial. Also, if Mr. Satcher dies without admission of guilt, I am very concerned that his family, his friends and community will continue to mistakenly feel they are the victimized ones. And I fear for his sons growing up in such a climate of hate. If some good is to come of Anne's loss of life, it could be in helping them to grow strong without hate.

To commute his sentence to life without parole without a clear, voluntary admission of guilt from Mr. Satcher is unthinkable. To execute him while he still claims innocence is not healing for me and may cause further harm. What could be helpful to me, and perhaps to others, is his confession of guilt, recognition of his responsibility, and some acknowledgement of the pain he caused. Mr. Satcher refuses to offer this. His denial of his guilt has been thoroughly reinforced by his defense lawyers for six years as they have pretended his innocence. There has been no opportunity for growth of his spirit through his recognition and acceptance of his responsibility for Anne's murder and no opportunity for reconciliation. If he were to sit face to face with Roger and me, his own mother and father, representatives of the state, and his lawyers and clearly and freely admit to being guilty of a terrible, violent act without mercy, then I could forgive. I do not expect sorrow, sadness, or apology. When he can recognize the harm he has inflicted on Anne, her parents and brothers, the nephews she'll never know, her friends whose lives are forever affected, then Anne will have received justice. Then, perhaps, I could begin to find some measure of peace.

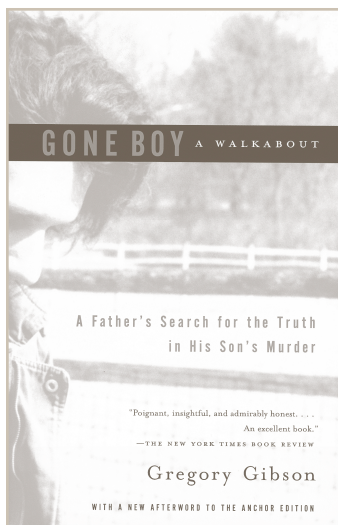
In conclusion I must emphasize again that it is absolutely essential to my peace of mind that he never be free to harm another person again, either in prison or in society. If he were to acknowledge guilt and you were to choose to commute his sentence to life without parole and assure us he would never, under any circumstances, be released, I could live in peace with that decision.

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Goneboy: A Walkabout by Gregory Gibson

Kodansha America, Inc., 1999

Reviewed by Bette Spear



The beginning of the nightmare for Gregory Gibson and his family started after the murder of Gibson's eighteen year-old son, Galen, at Simon's Rock College in Massachusetts. The shooting by student Wayne Lo killed two students and wounded four others. In Gibson's book, *Goneboy: A Walkabout*, we are taken on an unparalleled journey, where we witness his jolting personal honesty and exploration.

Gibson, an antique bookseller from Gloucester, is clearly at home with words and the story. He depicts his own process of finding life after the death of his son. From the first hours of stunned awareness to days filled with the expectation that the College would contact the family and somehow explain what happened, we are caught in the roller coaster of expectation, anticipation, and despair which often follows sudden and violent death. The reader participates in Gibson's life from home to trial as the beleaguered family attempts to regain its balance.

"I always had a knack for making plans, not long-range plans, but an endless supply of existential ones in an ongoing calculus of strategy....so, it was not surprising that, when the dean of my son's college called late on a Monday night in mid-December of 1992 and told me there'd been a terrible accident at the college, and that my son had been shot and killed, I soon had a plan."

Gibson conveys the difficulties of the unchosen path of the homicide survivor. His description of his relationship with Galen, his protection and concern for his other two children, and his love for his wife are an integral part of the narrative.

With a need to both understand what happened and actively work with his own grief, Gibson announced one

evening after dinner that he was going to "investigate Galen's murder and write a book about it." Gibson set his business affairs in order and literally went "on the trail" to gain information and understanding about his son's murder. As Gibson describes it, "The struggle had kept me together, a single thread of purpose in my life. It had kept me from winding up in a detox ward, or from jumping off a bridge or from shooting someone myself while I healed. And now I had the story of what had happened to Galen and with it, by some miracle, my life."

Gibson introduces the reader to college officials, police, gun sellers, prosecutors, victim advocates, Galen's friends, and the other victims wounded in the incident. Those familiar with the aftermath of homicide will recognize the varying individual reactions to tragedy. In addition, Gibson spares no one as he points out the vagaries of the law. He recounts his frustration with the cumbersome machinations of the Massachusetts criminal justice system.

I was unable to put *Goneboy* down. I found the story very compelling because it is nonfiction. The span of reactions and emotions is so true to the effect of intentional violent death that I found myself, at times, holding my breath. *Goneboy* is rare in its poignancy and honesty.

Bette Spear is Executive Director of OMEGA Emotional Support Services, Inc., an organization providing grief counseling and traumatic loss services for the survivors of homicide victims and training for professionals and volunteers in the New England area. She has been a consultant, trainer, advocate and educator in the area of grief and traumatic loss for over fifteen years.

Most Women are Killed by Intimates, Killed with Guns

Recent analysis of 1998 homicide data found that 12 times as many women were killed by men they knew than were killed by strangers. The Violence Policy Center study also found that 54% of female victims were killed with firearms, more than with all other weapons combined. Massachusetts had a lower rate of femicide than most states, with .47 murders per 100,000 women. The national rate among females murdered by males was 1.40 per 100,000 women. The study did not consider incidents with multiple victims or offenders. View the study, *When Men Murder Women: An Analysis of 1998 Homicide Data*, at www.vpc.org/studies/dv3cont.htm.

Study Finds More Students With Weapons Than Previously Thought

More young people are involved with weapons than earlier surveys indicated, according to *The National Longitudinal Study of Adolescent Health*. The study involved the largest national survey of adolescents ever conducted. One of four students, or 5.3 million youths, reported they had either used a gun or knife, carried such a weapon, or had been involved in an incident in which someone was injured by a weapon in the past year. Adolescents in the seventh and eighth grades reported such behavior in almost equal proportions to older teens.

Crime Increases 6% in Boston

Crime in Boston rose in nearly every category for the first half of 2000, according to the FBI's *Uniform Crime Report*. Overall crime in the city climbed 6%, despite an overall decrease nationally. The number of homicides increased from 16 in the first half of 1999 to 24 in the first six months of 2000. Burglaries increased 25.7%. Even in light of the increases, Boston crime rates remain some of the lowest since the 1960s.

Decrease in Some Categories of School Crime Reported

The percentage of students who said they were victims of crimes at school decreased from 10% to 8% from 1995 to 1999, according to a report released by the Center for Education Statistics and the Bureau of Justice Statistics. However, the percentage of high school students threatened or injured with a weapon on school property remained constant at about 7 or 8% between 1993 and 1997. Obtain copies of *Indicators of School Crime and Safety 2000* at www.ojp.usdoj.gov/bjs/ or nces.ed.gov, or call the Center at (877) 4ED-PUBS.

More Police Killed in Line of Duty

The number of police officers killed in the line of duty rose to 151 in 2000, an 11% increase over the previous year, according to a report from the National Law Enforcement Officers Memorial Fund and the group Concerns of Police Survivors. Massachusetts lost three officers in the line of duty. Texas had the most officers killed with 14, followed by California with 11 and Georgia and Tennessee with 10 each.

With the exception of 1999, firearms have been the leading cause of death for law enforcement officers every year since 1792.

Report Examines Data on Domestic Violence Victims

The most likely victims of domestic violence are African American women, Native American women, individuals who were abused as children, and those who are in relationships with great income or social status disparities, according to a new analysis of 1996 Violence Against Women Survey data. The federal report estimates that only one-fifth of rapes and one-quarter of assaults on women by intimate partners are reported. View the complete report, *Extent, Nature and Consequences of Intimate Partner Violence*, at www.ojp.usdoj.gov/nij/pubs-sum/.

Sexual Assault Data Shows Most Reported Victims are Children

Assaults on juveniles are the large majority (67%) of sexual assaults handled by law enforcement agencies, according to a study of sexual assaults reported to law enforcement. The data are based on reports from law enforcement agencies in 12 states covering the years 1991 through 1996. The study found that over one third of all sexual assaults involved victims under age 12, and one in seven victims was under age 6. The report, *Sexual Assault of Young Children as Reported to Law Enforcement*, presents findings from the National Incident-Based Reporting System. View the report at www.ojp.usdoj.gov/bjs/abstract/saycrle.htm.

Capping the Federal Crime Victims Fund

continued from front cover

This existing provision provides states with the time to manage funding increases with careful consideration.

The recent legislative session of the U.S. Congress again saw legislation proposing a spending cap on the Fund. With the new legislation pending, victim advocates across the country again grew concerned about the future of the Crime Victims Fund. Ultimately, Congress passed a federal appropriations bill that continued the VOCA spending cap into federal fiscal year 2002. The new legislation capped spending at \$537.5 million, and included a provision to earmark \$7.5 million of those funds for victim services staff in the Federal Bureau of Investigation. This practice of diverting dollars from an already limited fund further shrinks the pool of money available to local programs.

Victim advocates know well that the need for program funding in Massachusetts has not dissipated. The Massachusetts Office for Victim Assistance faces difficult choices each year in administering available VOCA funds, and is unable to fund many critical victim services. For the last fiscal year, a very limited Request for Response (RFR) yielded over \$11 million in program funding requests; only \$7.3 million in funding was available for distribution.

Massachusetts will receive \$7,941,000 from the Fund for fiscal year 2002, a decrease of \$242,000 from the previous year's allotment. Advocates in programs that rely on the Crime Victims Fund will experience the practical impact of the cap first-hand, as the limiting of funds for the next fiscal year precludes even a modest cost-of-living adjustment (COLA) in salaries for VOCA-funded positions.

*"I wanted a perfect ending.
Now I've learned, the hard
way, that some poems don't
rhyme, and some stories
don't have a clear begin-
ning, middle, and end.
Life is about not knowing,
having to change, taking
the moment and making
the best of it, without
knowing what's going to
happen next."*

Gilda Radner

*Comments to Governor George Allen from
Roger F. Borghesani, father of Anne E.
Borghesani*

As Anne's father, I have several thoughts about the execution of my daughter's assailant, Charles Satcher. I hate to write his name. Having a name is a human privilege that I believe he has forfeited. Should I give serious thought to his pending death? Did he give any thought to his murdering my daughter? In an opposite vein, what are family and friends thinking? Will they be critical of me for the rest of my life? Can I live with my wife and myself if this execution happens?

There is no question in my mind of his guilt although he never has confessed. How simple it all could be if the assailant had done so during the past six years. However, the lawyers processing the state and federal appeals would never let this happen. They would be out of jobs with no briefs, no appeals, no motions, no filings, no hearings and no money. Confessing guilt and feeling remorse is just not part of the criminal justice system; therefore, the lawyers will never encourage this humane action by the assailant. Consequently, he claims innocence until death. In my view, the criminal justice system should allow and encourage the assailant to admit his crime after being found guilty by a jury. Then, he could make peace with God, us, and society. The appeals process sacrifices the soul in order to save the body.

Now, are we, Anne's parents, expected to save him from execution? Should we ask the Governor to show leniency for the assailant and to give him life in prison with hope? Did the assailant give my daughter any hope of survival as he stabbed her twenty-one times and pushed her down those wet and dark

stairs? I do not support clemency that would give him hope for possible freedom. I fear that if one Governor can commute an execution to life in prison, another Governor can parole him for good behavior or release him to reduce overcrowded prisons. I don't want him to have hope for the future. My daughter had lots of hope; he took it away from her. Shouldn't we have the same right to take hope away from him?

The assailant must be responsible for his actions. The consequence for his heinous act is death. Is this so unreasonable? Doesn't the bible refer to "an eye for an eye?" Didn't Christ state "give Caesar what belongs to Caesar?" Doesn't freedom and justice belong in Caesar's domain? Government must control and limit human offenses against others. Looking at it from another perspective, when a person joins the military, he or she knows they may have to kill another person in order to preserve their freedom and values. They also know their own life is at risk. Our public servants, firefighters, police and other community workers also risk their lives daily for the benefit of others. A recent book, *The Perfect Storm*, describes the life risks of fisherman battling the sea to bring in the daily catch. Fishing is listed as the most hazardous occupations one could choose. Shouldn't murderers also know they are risking their lives when they kill?

During this Thanksgiving holiday, the victim's family is once again being victimized. All the assailant's legal appeals have been exhausted and nothing remains for the appeals lawyers but to prevail on the Governor and the victim's family for clemency. They have even tried to resurrect the victim's thoughts on the death penalty. The lawyers should let Anne rest in peace. Now in desperation, they look to us, Anne's family, to help save her assailant. By default, we have become unwilling

participants in his clemency plea. We, Anne's parents, must weigh our own opinions, Anne's beliefs, and Christian values relating to capital punishment, and come to our own conclusion.

I am concerned that a clemency request may result in a life sentence without parole. If this request is granted, the assailant will very likely outlive me and possibly my other children. His being alive and seeking some form of sentence mitigation will inevitably continue to haunt Anne's brothers after my own death.

As Anne's father, I still support the death sentence that was recommended by the Arlington County jury. Those twelve thoughtful people concluded that the assailant was guilty of capital murder and should never be allowed to live amongst society again. The assailant's fate was sealed when he murdered my daughter. I am comfortable that the execution should be carried out per the jury's recommendation.

Elizabeth Ann and Roger Borghesani are members of Alpha Resource Center: Learning to Live After Homicide.

How is the Sex Offender Registry Board now staffed?

Under the old law, a five member, part-time, volunteer Board was created to classify sex offenders. The new law created a seven member, full-time, salaried Board. The Board consists of: a chairperson with criminal justice experience and knowledge; two licensed psychologists or psychiatrists with experience in assessment and evaluation of sex offenders and knowledge of the forensic mental health system; a licensed psychologist or psychiatrist with experience in assessment and evaluation of juvenile sex offenders and knowledge of the forensic mental health system; two people with at least five years of experience in probation, parole, or corrections; and a person with experience working with victims of sexual abuse.

How are victims involved in the classification process?

The Board is undertaking an aggressive outreach campaign to all victim service providers and victims to educate them about the new law and the processes we have put in place. We have asked victim service providers to assist us in educating victims about their role in the classification of sex offenders. Specifically, victims have the right to submit a victim impact statement, and we encourage them to exercise that right.

How does the process for submitting an impact statement work?

The Board or the hearing examiner presiding over a classification hearing must consider a statement provided by a victim. A victim can contact the Registry Board's Victim Services Unit and inform them that he or she wishes to submit an impact statement. When

the offender of that victim is scheduled for classification, the Board will contact the victim and ask for a statement to be submitted within an appropriate time. We are committed to establishing a process in which victims feel comfortable participating.

Does the offender have access to the victim impact statement?

We inform every victim that the law requires us to provide a copy of every document in our file, including victim impact statements, to the offender. Prior to giving it to the offender, we take all steps necessary to redact all personal or identifying data from each statement. We can also provide victims with suggestions to help avoid the inclusion of personal or identifying data in a statement. After an offender has been classified, we notify any victim who submitted an impact statement of the outcome.

I understand that crime victims can participate in the classification process, but does that privilege apply only to victims of the governing offense or can other victims of the offender participate too?

Any victim of record—in other words, victims in cases for which the offender is under the jurisdiction of the Board—may participate in the process by submitting a written victim impact statement. The right to submit an impact statement also extends to parents or guardians of minor victims.

What are the differences between the roles of the victim services board member and the staff member who assists victims?

Under the new law, the Board includes a member who has experience with victims of sexual abuse. The

Governor appointed Vesna Nuon as the Board member with experience working with victims. Vesna helps the Board develop all policy and procedures, and advocates for the concerns of victims of sexual abuse. He is also charged with voting on and determining the classification of a sex offender. In addition, the Board hired Bette Gorski as the Victim Services Coordinator. Bette is the “point person” in the agency whom victims may contact on a regular basis. She is responsible for insuring that victims receive proper notification and support, and any needed guidance, advocacy, and referrals. Bette can be reached at the Victim Services Unit at (978) 740-6440.

Are any other criminal justice agencies responsible for implementing provisions of the law?

Generally speaking, any agency that supervises, has custody of, or has responsibility for a sex offender is required to identify that person and provide the Board with that information. Under the current law, once a sex offender is finally classified, local police departments have registration and community notification responsibilities. In addition, the District Attorneys now have the authority to request an expedited classification hearing from the Board. Many state agencies, such as the Department of Correction, the Parole Board, the Department of Mental Health, and Probation are required to share information and respond to requests concerning sex offenders if asked by the Board. The Registry of Motor Vehicles must also give notice to persons applying for or renewing a license that there is a duty to register if the person is a sex offender. Finally, registration information will also be transmitted to the Federal Bureau of Investigation for inclusion in its database.

There have been a lot of legal challenges to the Registry in the past. Do you think the current law will stand up to constitutional challenges before the SJC?

We believe the current law will be found to be constitutional by the Supreme Judicial Court. Shortly after the new law was enacted, a class action lawsuit was filed on behalf of all sex offenders in Massachusetts. The offenders argued that the mail-in registration required by law is unconstitutional. A Superior Court judge agreed with them and issued an injunction prohibiting the Board from requiring any sex offender to register until the offender is provided with an evidentiary hearing and a finding is made that the offender poses a current risk to children or other vulnerable people.

We couldn't disagree more with the offenders' arguments and we appealed this injunction order. We are currently waiting for the SJC to issue its decision. However, I am confident that the SJC will allow the Commonwealth to require sex offenders to report their addresses to us. If an offender has no obligation to tell us where he or she lives, it will be difficult to locate many offenders to provide the hearing. So, we're hopeful that the SJC will recognize the Commonwealth's need for this information and the many provisions of the law that protect the due process rights of sex offenders.

More than a year has passed since implementation of the changes. How do you feel about the transition? Have you seen changes in the effectiveness of the Board and its work?

In the 14 months since the law was enacted, we've worked extremely hard to get the agency up and running. It's not very often that a new state

agency is created. As with any other startup, we put together a business plan and set out implementing that plan. It is an enormous task but we're well on our way to having a complete staff and operational policies and procedures. Over the months, we have examined and re-examined our procedures to identify the most efficient and effective method to deal with each aspect of the law. We're very pleased with the result to date.

"We must be the change that we wish to see."

Mohandas Gandhi

BULLETIN BOARD

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Massachusetts Victim Rights 2001 Conference

The Massachusetts Office for Victim Assistance (MOVA) will hold its annual Victim Rights Conference on April 17, 2001, at Boston's Park Plaza Hotel. Gavin de Becker, author of *The Gift of Fear* and *Protecting the Gift*, will deliver the keynote address. MOVA invites nominations for awards to recognize victims and professionals in the victim rights community, including advocates, legislators, media professionals, and public officials. For registration information or award nomination forms, call MOVA at (617) 727-5200.

Victim and Witness Assistance Board Meetings

The Victim and Witness Assistance Board meets bimonthly in Boston at One Ashburton Place, 21st floor, from 2-4 p.m. The next scheduled meeting dates are March 21, May 16, and July 18.

Governor's Commission on Domestic Violence

The Governor's Commission on Domestic Violence holds bimonthly Wednesday meetings in Boston at One Ashburton Place, 21st floor. The Commission will meet in February, April, June, August, October, and December of 2001. For details on the next scheduled meeting, call Jeanne MacQuarrie or Jean Haertl, (617) 727-2065.

Massachusetts District Attorneys Association (MDAA) Domestic Violence Conference

The 6th Annual Statewide Domestic Violence Conference is scheduled for May 3rd and 4th, 2001, at the Sea Crest Resort and Conference Center in North Falmouth. This year's conference focuses on sexual assault in the context of domestic violence relationships. For more information, contact Catherine Cappelli at MDAA, (617) 723-0642, x103.



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